

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	Case No. 2986
)	
EUGENE HANNIBAL PARDI, D.O.)	FINDINGS OF FACT,
Holder of License No. 2221 for the)	CONCLUSIONS OF LAW, AND
practice of osteopathic medicine in the)	ORDER OF SUMMARY SUSPENSION
State of Arizona.)	
_____)	

On October 20, 2003 by mail to his address of record and on October 21, 2003, by telephone to the number on record, the Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board"), through its Executive Director, notified Eugene Hannibal Pardi, D.O. (hereinafter "Respondent") that his compliance with terms of his Board-ordered probation would be discussed on October 25, 2003, and directed him to attend that meeting.

The Board held that meeting on October 25, 2003, and Respondent was present. Following the Board's review of information and evidence obtained pursuant to A.R.S. § 32-1855 and § 32-1855.01, and having discussed this with Respondent, having considered the evidence and information in the matter, and being fully advised, the Board enters the following Findings of Fact, Conclusions of Law and Order of Summary Suspension, pending proceedings for revocation or other action.

FINDINGS OF FACT

1. The Board is empowered, pursuant to A.R.S. § 32-1800, et seq to regulate the licensing and practice of osteopathic medicine in the State of Arizona.
2. Respondent is a licensee of the Board and the holder of License No. 2221 for the practice of osteopathic medicine in the State of Arizona.

3. On or about December 17, 2002, the Board issued a Second Amended Order of probation to Respondent, which included and expanded on the terms of the Amended Order for probation issued February 6, 2002, and the Order effective August 20, 2001.

4. Between August 10, 2003 and October 19, 2003, Respondent presented at an urgent care center at least three times for relief of pain from kidney stones. Respondent failed to provide a copy of his order to the treating physicians at the urgent care center on any of these three occasions. On October 19, 2003, Respondent did not check the area on the Patient History form to show he had a history of drug addiction/dependency.

5. On August 10, 2003 visit to the urgent care center, Respondent was noted in the medical records as having a bleeding scratch on his ear. His test results showed large blood in his urine. On the next two visits (August 24 and October 19, 2003) to the urgent care, his urine again tested positive for large blood. On the October 19, 2003, the treating physician noted the August 10, 2003 record of blood in the ear. The physician also noted in his records that, although Respondent denied being prescribed narcotics in the recent past, a pharmacy reported Respondent had had five prescriptions for hydrocodone filled between August 22, 2003 and October 8, 2003. The physician did not prescribe any narcotics, but referred Respondent to an emergency room for evaluation.

6. Between August 10 and October 16, 2003, Respondent received from various pharmacies at least five prescriptions for narcotics: Hydrocodone on August 10, 22, and 27, 2003 prescribed by physicians at urgent care centers; Hydrocodone on October 8, 2003 and Oxycodone on October 16, 2003 prescribed by his former treating physician, Neal Chloupek, M.D.

7. Dr. Chloupek's medical records of Respondent's care show that the doctor last saw the Respondent for care on January 17, 2002. Despite this, pharmacy records show Respondent

continued to receive prescriptions through October 2003 that were attributed to Dr. Chloupek's orders.

8. Respondent wrote a prescription on October 12, 2003 for a controlled substance (Vicodin) for a member of his immediate family (N.P.), and forged Dr. Chloupek's name to that prescription. The drug and the quantity prescribed are the same as those dispensed to Respondent on October 16, 2003.

9. During the meeting on October 25, 2003, Respondent told the Board he had gone to the urgent care centers seeking narcotics to relieve his pain as described in paragraphs 4 through 6 above, and that he written the prescription described in paragraph 8, above.

10. On the morning of October 21, 2003, Respondent was directed by his U.S. Probation Officer to submit an observed urine sample. Respondent told the officer he could not do so until 4:30 p.m. because the Board had ordered a sample be collected at another location at the same time. In fact, the Executive Director had not done so at that time, nor had Respondent been chosen for random testing by the laboratory monitoring program that day.

11. Later the morning of October 21, 2003, at approximately 11:30 a.m., Respondent was directed by the Board to provide an observed urine screen within ninety (90) minutes of the Board's notification. At the collection site, Respondent was not observed. The collection site staff described his sample as "cold," meaning it was below body temperature.

12. Upon notification of this to the Board by the collection site, Respondent was directed to provide an observed sample at once, but instead left the collection site. Later that afternoon, approximately 4:30 p.m., Respondent went to another collection site and provided an observed sample.

13. Both samples collected on October 21, 2003 tested negative for any substance on the panel, including hydrocodone and Effexor. Respondent previously notified the Board that he had been prescribed Effexor by his therapist.

14. In a public meeting on October 25, 2003, the Board voted that Respondent is medically and/or psychologically unable to engage in the practice of medicine and is an immediate threat to the health and welfare of the public.

CONCLUSIONS OF LAW

The conduct described in paragraphs 3 through 14 above constitutes unprofessional conduct as defined at the following subsections of ARS § 32-1854:

(3) Practicing medicine while under the influence of alcohol, narcotic or hypnotic drugs or any substance that impairs or may impair the licensee's ability to safely and skillfully practice medicine.

(7) Impersonating another physician.

(15) Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine, except as same may be necessary for accepted therapeutic purposes.

(22) Using controlled substances or prescription-only drugs unless they are provided by a medical practitioner, as defined in section 32-1901, as part of a lawful course of treatment.

(23) Prescribing controlled substances to members of one's immediate family unless there is no other physician available within fifty miles to treat a member of the family and an emergency exists.

(26) Violating a formal order, probation or a stipulation issued by the Board under this chapter, to wit, terms 5 and 11 of the December 8, 2001 Amended Order.

(41). Any conduct or practice that impairs the licensee's ability to safely and skillfully practice medicine or that may reasonably be expected to do so.

ORDER OF SUMMARY SUSPENSION

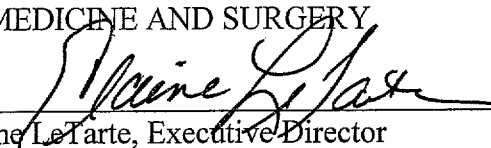
NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

Pursuant to A.R.S. § 32-1855(C) and § 41-1064, license no. 2221 held by Eugene Hannibal Pardi, D.O. for the practice of osteopathic medicine in this State of Arizona is summarily suspended effective October 25, 2003, pending further proceedings.

ISSUED this 27TH day of October, 2003.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: _____


Elaine LeTarte, Executive Director
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Served by U.S. certified mail
this 27th day of October, 2003 to:

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